

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ NOV 01 2021 ★

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

SERGE KANNON

Plaintiff,

v.

BLACKHAWK CLAIMS SERVICE GA,
INC.,

Defendant.

CIVIL ACTION FILE

NO.

CV 21-6098

) [on removal from the Civil Court
) of the city of New York,
) No. CV-022542-21/KI]

KUNTZ, J.

MANN. M.J.

NOTICE OF REMOVAL

COMES NOW, Blackhawk Claims Service GA, Inc., Defendant in the above styled civil action (hereinafter referred to as the "Defendant"), within the time prescribed by law, and respectfully shows the Court the following facts:

1.

Plaintiff has filed suit against Defendant in the City Court of the City of New York, Kings County, which is within the Eastern District of New York. This suit is styled as above and number Civil Action No. CV-022542-21/KI in that Court.

2.

Plaintiff has brought a civil action alleging violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227. Defendant does not allege any state cause of action in his Complaint. This civil action is exclusively one of *federal question*. Pursuant to 28 U.S.C. § 1331, this is a civil action arising under an Act of the Congress and this Court has original jurisdiction.

3.

The aforementioned civil action is a civil action of which this Court has original jurisdiction under the provisions of Title 28 U.S.C. § 1331 and accordingly, is one which may be removed to this Court by Defendant pursuant to the provisions of Title 28 U.S.C. § 1441.

4.

Additionally, Defendant is a citizen of the state of New York, and Plaintiff is a corporation that is a citizen of the state of Georgia.

5.

Defendant shows that said suit was instituted in the City Court of the City of New York on September 10, 2021, and was served upon Defendant on October 5, 2021, and Defendant shows that this Notice of Removal is filed within thirty (30) days from the date of service of said suit on Defendant.

6.

Defendant has attached hereto copies of all process, pleadings, and orders served upon it in this case, such copies being marked as Exhibit A.

7.

Defendant has given written notice of this filing of this Notice of Removal to the Plaintiff by notifying Plaintiff, Serge Kannon, at 1021 E. 108th St, #2A, Brooklyn, NY 11236.

8.

Defendant has filed a written Notice with the Clerk of the City Court of the City of New York.

WHEREFORE, Defendant prays that the case be removed to the United States District Court, Eastern District of New York.

Respectfully submitted this 28th day of October, 2021.

Oxendine Law Group, P.C.



John W. Oxendine
(*Pro Hac Vice Applicant*)
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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Notice of Removal via the United States mail addressed to the Plaintiff as follows:

Serge Kannon
1021 E. 108 St., #2A
Brooklyn, NY 11236

-and-

Clerk of the City Court of the City of New York
141 Livingston St.
Brooklyn, NY 11201

This 28th day of October, 2021.

Oxendine Law Group, P.C.

/s/ John W. Oxendine
John W. Oxendine (*Pro Hac Vice Applicant*)
Georgia Bar No. 558155

Civil Court of the City of New York
County of Kings

Index Number: **CV-022542-21/KI**

Serge Kannon

Plaintiff(s)

Exhibit A

-against-

Blackhawk Claims Service GA, Inc
 Defendant(s)

**SUMMONS WITH ENDORSED
 COMPLAINT**

BASIS OF VENUE: Plaintiff's residence

Plaintiff's Residence Address (s) :

Serge Kannon
 1021 E 108 St, #2A
 Brooklyn, NY 11236

To the named defendant (s)

Blackhawk Claims Service GA, Inc (Def), at 11111 Richmond Ave., Ste 215, Houston, TX 77082

YOU ARE HEREBY SUMMONED to appear in the Civil Court of the City of New York, County of Kings at the office of the Clerk of the said Court at **141 Livingston Street** in the **County of Kings, City and State of New York**, within the time provided by law as noted below and to file your answer to the (endorsed summons) (annexed complaint) * with the Clerk; upon your failure to answer, judgment will be taken against you for the total sum of \$12,000.00 and interest as detailed below. Plaintiff's work sheet may be attached for additional information if deemed necessary by the clerk.

Date: September 10, 2021

Alia Razzaq, Chief Clerk

ENDORSED COMPLAINT

The nature and the substance of the plaintiff's cause of action is as follows: **Other for \$12,000.00 with interest from 08/12/2021**

***NOTE TO THE DEFENDANT**

A) If the summons is served by its delivery to you personally within the City of New York, you must appear and answer within **TWENTY** days after such service; or

B) If the summons is served by delivery to any person other than you personally, or is served outside the City of New York, or by publication, or by any means other than personal delivery to you within the City of New York, you are allowed **THIRTY** days after the proof of service thereof is filed with the Clerk of this Court within which to appear and answer.

C) Following CPLR 321(a) corporations must be represented by an attorney.

*** NOTE TO THE SERVER OF THE SUMMONS**

The person who serves the summons should complete the Affidavit of Service and shall file it in the Clerk's Office in the county where the action is brought.

PLAINTIFF'S CERTIFICATION

(See 22NYCRR, Section 130-1.1a)

SIGN NAME:

PRINT NAME: Serge Kannon



For Information, answer forms and to track court dates, go to **WWW.NYCOURTS.GOV/NYCCIVIL**

Service Oct. 5, 2021

CIVIL COURT OF THE CITY OF NEW YORK

APPLICATION FOR A SUMMONS

PARTIES

022542

PLAINTIFF: Please print your name, complete address, including your apartment number (no P.O. box number) and telephone number. [Please note: If the claim is based on an auto accident, the claim must be *Owner against Owner*]. A Corporation must be represented by an attorney.

Serge Kannon
1021 E 108 St, #2A
Brooklyn, NY 11236

DEFENDANT(S): Please print the full legal name and street address (no P.O. box number) of the party(ies) you are suing. Indicate whether you are suing this party as a person or a business. [Please note: If you are suing a business, indicate whether it is a partnership, a corporation or an individual with a business certificate. This information can be obtained in the County Clerk's Office in the county in which the business is located. Failure to check this information may result in a judgment which cannot be executed.]

Blackhawk Claims Service GA, Inc.
1111 Richmond Ave. Ste. 215
Houston TX 77082

REASON FOR CLAIM:

CLAIM

Damage cause to:	<input type="checkbox"/> automobile	<input type="checkbox"/> person	<input type="checkbox"/> property other than automobile
Failure to provide:	<input type="checkbox"/> repairs	<input type="checkbox"/> proper service	<input type="checkbox"/> goods ordered
Failure to return:	<input type="checkbox"/> security	<input type="checkbox"/> property	<input type="checkbox"/> deposit <input type="checkbox"/> money
Failure to pay for:	<input type="checkbox"/> wages <input type="checkbox"/> rent	<input type="checkbox"/> services rendered <input type="checkbox"/> commissions	<input type="checkbox"/> insurance claim <input type="checkbox"/> money loaned <input type="checkbox"/> goods sold and delivered
Breach of:	<input type="checkbox"/> contract	<input type="checkbox"/> lease	
Loss of:	<input type="checkbox"/> luggage	<input type="checkbox"/> property	<input type="checkbox"/> time from work <input type="checkbox"/> use of property
Returned:	<input type="checkbox"/> check (bounced)	<input type="checkbox"/> merchandise (not reimbursed)	

Other: (Be brief)

Four (4) violations of TCPA made
to my cell phone.

DETAILS OF CLAIM:

Amount of Claim: (Limit \$25,000 for each Cause of Action) \$ 12,000

Date of Occurrence: 8-12-21 / ~~8-12-21~~ SK

Place of Occurrence: Home 1021 E 108 St. #2A

If Car Accident: YOUR license plate # _____ DEFENDANT'S license plate # _____

Identifying Number(s): _____
(Receipt #, Claim #, Account #, Policy #, Ticket #, etc.)

9-10-2021

Date

X

Signature of Plaintiff